

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

IN RE: In re: Nellson Nutraceutical, Inc., et al.

Kelly Beaudin Stapleton, the United States)	
Trustee & the Official Committee of Unsecured)	
Creditors,)	
Appellants)	Civil Action Nos. 06-520 (GMS)
)	06-521 (GMS)
v.)	
)	
Nellson Nutraceutical, Inc., et al.)	
Appellees)	Bankruptcy Case No. 06-10072

APPELLEE'S FIRST STIPULATION AND ORDER EXTENDING TIME

WHEREAS, Appellees Nellson Nutraceutical, Inc., et al. filed their Motion to Dismiss Appeal on Mootness Grounds on June 27, 2007.

WHEREAS, Appellants Kelly Beaudin Stapleton, the United States Trustee and the Official Committee of Unsecured Creditors filed their responses to the Motion (collectively, the "Responses") on July 30, 2007.¹

WHEREAS, pursuant to Rule 8011 of the Federal Rules of Bankruptcy Procedure and D. Del. LR 7.1.2(b), Appellee's reply to the Responses is due on or before August 6, 2007 (the "Reply Deadline").

¹ By agreement of the parties and Order of the Court the Appellants received two extensions of time to file the Responses.

WHEREAS, in light of the sale process and pending litigation in the Appellee's bankruptcy cases and the issues raised in the Responses, Appellants agreed to consent to an extension of the Reply Deadline until August 15, 2007.

IT IS HEREBY STIPULATED by and between counsel to the parties and subject to approval of the Court that the Appellee Nellson Nutraceutical, Inc.'s reply to the Responses will be due on or before **August 15, 2007**, without prejudice to seek a further extension.

This Stipulation and Order may be signed in counterparts and the counterparts, when combined, shall be deemed to be one and the same documents for all intents and purposes.

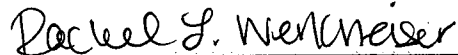
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Signatures tendered by facsimile and/or e-mail may be treated as original

signatures.

Dated: July 31, 2007

**PACHULSKI STANG ZIEHL YOUNG
JONES & WEINTRAUB LLP**

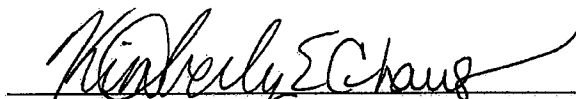


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Counsel for the Appellees,
Nellson Nutraceutical, Inc.

Dated: July 31, 2007

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Dated: July ___, 2007

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Counsel for the Appellant,
the United States Trustee

SO ORDERED, this _____ day of _____, 2007.

THE HONORABLE GREGORY M. SLEET

Signatures tendered by facsimile and/or e-mail may be treated as original

signatures.

Dated: July ____, 2007

**PACHULSKI STANG ZIEHL YOUNG
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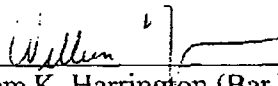
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Counsel for the Appellant,
the United States Trustee

SO ORDERED, this ____ day of _____, 2007.

THE HONORABLE GREGORY M. SLEET

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

In re:

NELLSON NUTRACEUTICAL, INC., et al.,

Debtors.

UNITED STATES TRUSTEE AND THE
OFFICIAL COMMITTEE OF UNSECURED
CREDITORS,

Appellants,

v.

NELLSON NUTRACEUTICAL, INC., et al.,

Appellees.

Civil Action No. 06-520 (GMS)

Civil Action No. 06-521 (GMS)

Bankruptcy Case No. 06-10072 (CSS)

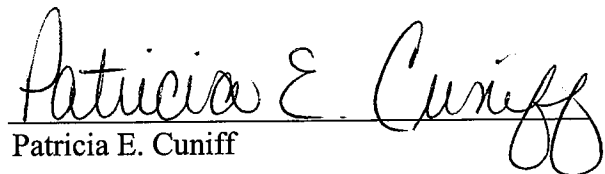
Appeal No. 06-45

AFFIDAVIT OF SERVICE

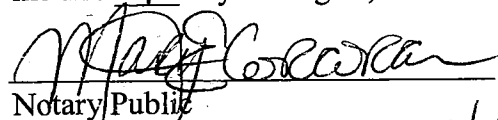
STATE OF DELAWARE)
)SS:
COUNTY OF NEW CASTLE)

Patricia E. Cuniff, being duly sworn according to law, deposes and says that she is employed by the law firm of Pachulski Stang Ziehl Young Jones & Weintraub LLP, counsel for the Appellees, in the above-captioned action, and that on the 1st day of August, 2007, she caused a copy of the following document(s) to be served upon the attached service list(s) in the manner indicated:

Appellee's First Stipulation and Order Extending Time.


Patricia E. Cuniff

Sworn to and subscribed before
me this 1st day of August, 2007


Notary Public

My Commission Expires: 11/4/07

MARY E. CORCORAN
Notary Public
State of Delaware
My Commission Expires Nov. 4, 2007

Nellson Nutraceutical, Inc. Appeal Service

List

Case No. 06-10072 (CSS)
Document No. 120478
02 – Interoffice Delivery
06 – Hand Delivery
05 – First Class Mail

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